



have access to the sealed document, maintaining the document under seal does not prejudice either party. Defendants have informed Plaintiffs that they consent to the filing of this document under seal. *See* Lowry Decl. ¶ 3.

4. Plaintiffs, however, move to de-designate as confidential and to file publicly the discussion regarding Exhibit 3 contained in their Supplemental Memorandum. In their discussion regarding Exhibit 3, Plaintiffs do not use any identifying information, such as the name or location of the child. *See* Protective Order at Paragraph I(E). Instead, Plaintiffs use Exhibit 3 as an example of the importance of ESI and note the failure of DHHR to find adequate placement for the child and the trauma to the child that ensued. Defendants have informed Plaintiffs that they do not consent to the public filing of a general discussion of the issues described in Exhibit 3. *See* Lowry Decl. ¶ 3. As such, Plaintiffs request that the Court de-designate as “Confidential” the information redacted in Plaintiffs’ Supplemental Memorandum and allow Plaintiffs to file the unredacted version of the Supplemental Memorandum publicly.

5. For the foregoing reasons, Plaintiffs respectfully request that Exhibit 3 remain under seal for the duration of the above-captioned litigation, but that the information contained in their Supplemental Memorandum be de-designated as “Confidential” and that Plaintiffs be permitted to file their Supplemental Memorandum without redaction. Plaintiffs request permission to file their Supplemental Memorandum with redactions while the Court considers their request.

Dated: January 29, 2024

Respectfully submitted,

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/s/ Richard W. Walters

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/s/ J. Marty Mazezka

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

Jonathan R., minor by Next	)	
Friend Sarah DIXON, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	Case No. 3:19-cv-00710
	)	
Jim JUSTICE, in his official capacity as	)	
the Governor of West Virginia, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	

**CERTIFICATE OF SERVICE**

I, J. Alexander Meade, counsel for Plaintiffs, hereby certify that I have this 29<sup>th</sup> day of January, 2024, electronically filed “**Memorandum of Law in Support of Plaintiffs’ Motion to De-Designate as Confidential and for Leave to File Under Seal**” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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